IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP-T No. 4033/2008

Decided on:16.6.2010

Gurbhajan. …Petitioner.

Versus

State of H.P. and others. …Respondents.

Coram:

Hon'ble Mr. Justice Rajiv Sharma, Judge.

Whether approved for reporting?[1] Yes.

For the petitioner : Mr. Neel Kamal Sharma, Advocate.

For the Respondents: Mr. Vikas Rathore, Dy. Advocate General with Mr. R.P. Singh, Asstt. Advocate General for respondents No.1 to 3.

For respondent No.4 : Nemo.

Rajiv Sharma, Judge (oral**)**.

Case of the petitioner, in a nutshell, is that he had been working as Part Time Water Carrier since 1989 in Government Primary School, Bela Ludhiarchan, Post Office Riali, Tehsil Ftehpur, District Kangra on honorary basis. According to him, his case was recommended by Head Mistress of Government Primary School, Bela Ludhiarchan to respondent No.3. His precise case is that since he had been working as Part Time Water Carrier in Government Primary School, Bela Ludhiarchan since 1989, in view of the notification issued by the respondent-State, he was to be

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[1] Whether reporters of the local papers may be allowed to see the judgment? Yes.

appointed as Part Time Water Carrier. He has assailed the appointment of respondent No.4 as Part Time Water Carrier in Government Primary School, Bela Ludhiarchan vide Annexure A-3 dated 5.7.1997.

Mr. Neel Kamal Sharma has strenuously argued that the case of the petitioner was required to be considered as per notification Annexure A-2 since he had been working as Part Time Water Carrier in Government Primary School, Bela Ludhiarchan since 1989.

Mr. R.P. Singh, learned Assistant Advocate General has argued that petitioner has already participated in the selection process but was not found suitable and respondent No.4 in these circumstances being more meritorious candidate was appointed to the post in question.

I have heard the learned counsel for the parties and have perused the pleadings carefully.

A bare perusal of Annexure A-2 reveals that only those persons could be given benefit of the policy, who had either been appointed by the Parent Teacher Association or by the Local Panchayat on honorary basis. Petitioner has not placed any material on record to prove that he was appointed either by the Parent Teacher Association or by the Local Panchayat. However, the fact of the matter is that petitioner had participated in the selection process and the suitability of the petitioner and respondent No.4 was adjudged by a selection committee duly constituted for the purpose under the Chairmanship of Sub

Divisional Magistrate. Petitioner has secured 10 marks and respondent No.4 has secured 15 marks. Name of respondent No.4 was recommended and he has joined his duties. This Court will not sit in appeal over the recommendations made by duly constituted selection committee, particularly, when no mala fides have been attributed to the members of the selection committee.

Accordingly, there is no merit in the petition and the same is dismissed.

(Rajiv Sharma),
Judge

16.6.2010
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